

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Tyler Keith BRANDYBERRY

100 Liberty Street

Quincy, OH 43343

Case No. 2:21-mj-809

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/09/21 to 12/28/21 in the county of Logan in the
Southern District of Ohio, the defendant(s) violated:

Code Section

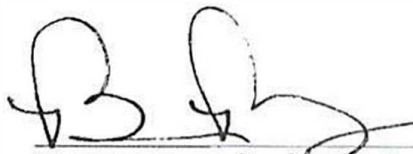
18 U.S.C 2252(a)(2)

Offense Description

Distribution of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit incorporated herein by reference

☒ Continued on the attached sheet.

Complainant's signature

TFO Brett M. Peachey

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/30/2021City and state: Columbus, OH

Judge's signature

United States Magistrate Judge Chelsey Vascara

Printed name and title

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In the Matter of the Criminal Complaint:

**Tyler Keith BRANDYBERRY
110 Liberty Street
Quincy, OH 43343**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brett M. Peachey, a Task Force Officer with the Federal Bureau of Investigation ("FBI"), Columbus Resident Agency, being first duly sworn, hereby depose and state as follows:

I, TFO Brett Peachey (your affiant), make this affidavit in support of a criminal complaint to arrest for violations of 18 U.S.C. §§ 2252(a)(2) – Distribution of Child Pornography. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your affiant did not include each and every fact known concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant set forth only the facts that are believed to be necessary to establish probable cause that Tyler Keith BRANDYBERRY committed the violations listed above.

Your affiant has been employed as a police officer for the Westerville Police Department since December of 1995. Since March of 2008, your affiant has been assigned to the Child Exploitation and Human Trafficking Task Force of the Federal Bureau of Investigation, Cincinnati Division, Columbus Resident Agency, conducting online child enticement and child pornography investigations. Your affiant is also a member of the Franklin County Internet Crimes Against Children Task Force in Columbus, Ohio investigating similar crimes. Your affiant has gained experience through a Bachelor of Arts Degree in Criminology and has received specialized training in the area of internet crimes involving child exploitation, child pornography investigations and computer forensics. Your affiant has been involved in hundreds of investigations involving internet crimes against children, resulting in dozens of felony arrests and convictions. As a Task Force Officer with the FBI, your affiant is authorized to investigate violations of the laws of the United States under the authority of the United States.

In connection with his duties as a Task Force Officer with the FBI, your affiant received information on September 8, 2021 that Special Agent Kurt Bendoraitis of the FBI in Peoria, Illinois had engaged in an online conversation with a subject later identified as Tyler Keith BRANDYBERRY. At the time, Bendoraitis was engaged in an undercover investigation and was the member of a Kik chat group titled “#TweenAmateur.” “Tween” is a term that is generally defined as a male or female between the ages of eight and fourteen and this chat group involved members who had a sexual interest in children that age. After joining the group Bendoraitis posted several messages to the other members regarding his fictitious eleven year old niece. Shortly afterwards, Bendoraitis received a private message from Kik user “me0787” (later identified as Tyler Keith BRANDYBERRY) who was a member of the #TweenAmateur group. BRANDYBERRY, referring to Bendoraitis’ group posts regarding his niece, stated “Can I see her? I have a few pics of my niece as well.” During the conversation BRANDYBERRY sent several photographs of his alleged niece to Bendoraitis advising that she was fourteen years of age. One of these photos depicted a female’s breasts although her face was not visible and another depicted a female’s buttocks. In addition to these photos BRANDYBERRY sent additional clothed photos of a female who appeared to be approximately thirteen to fourteen years old. When asked what he had currently done with her, BRANDYBERRY stated “just touched her pussy while she’s sleeping and walked in on her in the shower on purpose.” During their conversation BRANDYBERRY also sent a “live” photo of himself while at his place of employment utilizing the camera in the Kik messenger app.

A subpoena was served on Kik requesting subscriber information for the user “me0787.” Kik responded with the following information:

First Name: T

Last Name: B

Email: tylerbrandyberry2787@yahoo.com

Kik also provided approximately one hundred IP address log-ins for user “me0787” from August 1, 2021 through August 30, 2021. The only two IP addresses utilized by the account during this

time were 75.186.88.59 which is resolved to Spectrum Communications and 174.248.105.44 which is resolved to Verizon Wireless.

A subpoena was served on Spectrum/Charter Communications requesting subscriber data for IP address 75.186.88.59 between August 1, 2021 and August 30, 2021. Spectrum/Charter Communications responded with the following information:

Name:	Tyler Brandyberry
Service Address:	110 Liberty Street Quincy, OH 43343
Billing Address:	P.O. Box 252 Quincy, OH 43343
Phone Number:	937-710-2625

As part of his duties with the FBI Child Exploitation Task Force and Franklin County Internet Crimes Against Children Task Force, your affiant, TFO Peachey, routinely engages in undercover investigations to identify subjects involved in the online exploitation of children. During these investigations, your affiant utilizes the profile of a single mother of two minor children on various websites, message boards, and messenger applications.

On September 9, 2021, after being advised of Bendoraitis' ongoing investigation with BRANDYBERRY, your affiant, utilizing the undercover persona described above, sent a message to BRANDYBERRY's Kik user name "me0787" in an attempt to engage him in conversation and obtain more information regarding BRANDYBERRY's alleged activities. Soon after the conversation began BRANDYBERRY asked "Are you into tweens? Are you the mom to any?" After Peachey advised that he was the parent to ten and three year old daughters, BRANDYBERRY advised that he was the parent to fourteen and fifteen year old daughters as well. BRANDYBERRY then asked Peachey "Ever done anything with them?" to which Peachey responded that his persona has engaged in some sexual activity. BRANDYBERRY then requested photos or videos of the fictitious children as well as nude photos of Peachey's persona and also stated "Also any of your girls would be hot too." Throughout their online communication to the present, BRANDYBERRY and Peachey have discussed their sexual interest and activities with children and BRANDYBERRY expressed on several occasions that

he would like to engage in sexual activity with Peachey's female persona and his fictitious ten year old daughter. During one conversation, BRANDYBERRY requested that Peachey take photos of his ten year old daughter as she slept by stating "take some pictures of her ass then pull the panties back and show me what's underneath. Then turn her over and show me how well she's developed." When Peachey stated that he would be willing to take some of her buttocks in underwear, BRANDYBERRY replied "I'd love to see that and her little tits please."

During a conversation on or about September 14, 2021, BRANDYBERRY sent the following files to Peachey through the Kik messenger app:

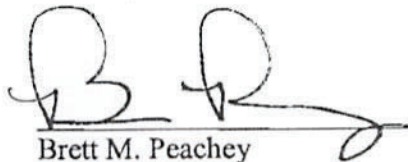
- A one minute video depicting a female approximately ten to eleven years of age. The female removes her top and does several turns before pulling her pants down exposing her buttocks and vagina.
- An image of a female, who appears to be approximately ten to twelve years of age, holding an adult male's penis in her hand and touching his testicle with her tongue.

During a conversation on or about September 27, 2021, BRANDYBERRY sent the following files to Peachey through the Kik messenger app:

- A one minute and thirty second video depicting a female engaged in sexual intercourse with a male. The female is small in stature and has very minimal breast development but her actual age is difficult to determine. When Peachey asked Brandyberry how old he thought the female in the video was, he responded "10-12."
- A four second video of a female performing oral sex on a male. The female appears to be in her teens but her actual age is difficult to determine.
- A four second video of a nude female, approximately four to five years of age, dancing and exposing her vagina. After receiving this video, Peachey stated "Now she's adorable" and BRANDYBERRY responded "She is. I'd love to taste her."
- A nine second video depicting two males and a female, approximately ten to thirteen years of age. The female is performing oral sex on one of the males while the other is engaging in sexual intercourse with the female.

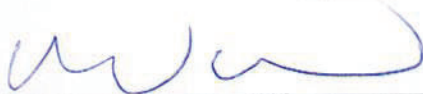
Open source database check revealed Facebook accounts for BRANDYBERRY and his wife, Danielle. Photos on both profiles depict both BRANDYBERRY and his wife with three teenage females and a teenage male. In addition to the files described above, BRANDYBERRY also sent Peachey several images and a video of teenage females in various stages of nudity during their conversations stating that they were his daughters. However, after reviewing the files that depicted the female's faces, it does not appear that the files are of the same females in his and his wife's Facebook profiles. However, one of these females is the same depicted in the clothed photos that BRANDYBERRY sent to Bendoraitis during their conversations alleging that it was his niece. The photos of BRANDYBERRY on both Facebook profiles as well as his Ohio driver's license photo were confirmed to be the same person depicted in the "live" photos that BRANDYBERRY sent of himself to both Bendoraitis and Peachey during their online communications. A search of the Ohio Law Enforcement Gateway (OHLEG) confirmed that BRANDYBERRY has a valid driver's license registered to him at 100 Liberty Street Quincy, OH 43343.

Based upon the above information, your affiant submits that there is probable cause to believe that Tyler Keith BRANDYBERRY has committed the offense of Advertising Distribution of Child Pornography in violation of 18 U.S.C. §§ 2251(d)(1)(A). Therefore, your affiant respectfully requests this Court issue a criminal complaint and arrest warrant.



Brett M. Peachey
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me this 30 day of December 30, 2021.



Chelsey Vascara
United States Magistrate Judge
United States District Court for the Southern District of Ohio